

3

Export Certification
Manual

Special Procedures

Compliance Agreements for Compressed, Baled Cotton

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Introduction

These special procedures provide the criteria to cover when writing a compliance agreement for establishments that operate cotton compresses or warehouses for compressed, baled cotton. (USDA-APHIS-PPQ is currently updating a nationwide template for establishing compliance agreements with the cotton industry. The time line is October 31, 2004.)

There is little or **no** risk of spreading plant pests internationally through the movement of compressed, baled cotton. Therefore, establishments that operate cotton compresses and warehouses may perform phytosanitary inspection of compressed, baled cotton when operating under a compliance agreement.

Instructions

A written compliance agreement is attached to PPQ Form 519, Compliance Agreement. PPQ Form 519 has a variety of uses in both domestic and foreign quarantine programs. PPQ Form 519 is used to formalize agreements and provides a signed, written agreement of understanding of methods, conditions, and procedures necessary for compliance with regulations. The form is also used to submit as evidence for violation cases. See **Appendix B, Forms**, [PPQ Form 519, Compliance Agreement](#) on [page B-1-5](#), for an example of and instructions for completing PPQ Form 519.

Export Certification Specialists (ECSs) have the flexibility to add requirements to the following criteria that **must** be included on a compliance agreement written for establishments that operate cotton compresses and warehouses of compressed, baled cotton:

1. Ensure that compresses or warehouses **must** provide uniform, universal density, compressed baled cotton.

2. Inspect each shipment visually to ensure that the bales are free from the following:
 - A. Cottonseed
 - B. Live insects
 - C. Soil
 - D. Other contaminants



Cotton industry representatives may **not** possess sufficient knowledge, ability, or authority to differentiate between quarantine, injurious, and innocuous organisms and objects. Therefore, insist on absolute freedom from cottonseed, live insects, soil, and other contaminants in baled cotton.

3. Load clearly-marked bales which have been segregated from flat cotton (uncompressed to universal density) into clean containers.
4. Maintain a file of shipping documents that specify the following information:
 - A. Marks
 - B. Number of bales
 - C. Signature of the manager or authorized representative

Make this file available on request to USDA-APHIS-PPQ employees or State plant regulatory officials (SPROs).



Some ACOs may prefer that the establishment use PPQ Form 572 in addition to the compress or warehouse records. When using PPQ Form 572, the exporter in cooperation with the compress or warehouse establishment **must** complete *Blocks 12* through *17*.

5. Contact the ACO prior to an export shipping date and present the supporting data necessary to complete a PPQ Form 577.
6. Allow periodic inspection of the operation and facilities by the ACO to ensure all elements of the compliance agreement are being satisfied.

Example of a Commodity Treatment Compliance Agreement

Figure 3-2-1 is an example of a commodity treatment compliance agreement that is an official compliance agreement when attached to a completed PPQ Form 519. See also **Appendix B, Forms, PPQ Form 519, Compliance Agreement** on page B-1-5.

FRESNO COUNTY DEPARTMENT OF AGRICULTURE COMMODITY TREATMENT COMPLIANCE AGREEMENT	
_____ (Company Name)	_____ (Chamber Location)
_____ (Mailing Address)	_____ (City/State/Zip code)
_____ (City/State/Zip code)	() _____ (Phone Number)
Regulated Articles Handled: _____	
<p>I/WE agree that in authorizing and participating in these treatments as a basis for the certification of regulated articles, no liability shall be attached either to the State of California, Department of Food and Agriculture, California Environmental Protection Agency, Fresno County Department of Agriculture (FCDA), cooperating agencies, or to any of their employees in the event of injury to persons, property, or the regulated articles. To maintain and offer for inspection such records as may be required to carry out all additional conditions, treatments, precautions, and sanitary measures which may be required by the county regulatory official to obtain all necessary permits and licenses required for application of classified and/or restricted materials.</p>	
ADDITIONAL CONDITIONS:	
<ol style="list-style-type: none">1. Treatment shall be done by a Qualified Applicator Licensee in a manner to comply with all federal, state, and county regulations and requirements.2. All fumigations shall be done in a manner as prescribed by the state or federal commodity treatment manual, as outlined in the USDA Export Certification Manual for specific commodity fumigation schedules or as outlined in specific workplans developed in conjunction with the USDA and the receiving foreign country.3. Any alterations, changes or modifications to the approved chambers construction of fumigant delivery system shall void the certification. Such chambers must be reinspected and recertified.4. FCDA Plant Quarantine Form 178 shall be completed in duplicate prior to fumigation by the applicator and be maintained at the treatment site. A copy of PQ 178 shall be attached to the state or federal phytosanitary certificate to be submitted to the FCDA Copy and Livestock Protection Division.	

FIGURE 3-2-1: Example of a Commodity Treatment Compliance Agreement for Cotton (front)

5. The Fresno County Department of Agriculture shall be notified one (1) hour prior to all fumigations during regular working hours. If fumigation work is to be done after 5:00 PM or on weekends and/or holidays, the applicator shall notify the Fresno Office before 4:00 PM on the last working day preceding the fumigation.
6. In cases where FCDA monitoring is mandatory for fumigant introduction, the fumigant introduction will not commence any later than 10:00 PM without prior approval.
7. Unannounced, periodic monitoring of the fumigation process will be conducted by FCDA as deemed necessary.
8. This Agreement shall be suspended and all subsequent fumigations shall be conducted in the presence of an FCDA regulatory official if any of the previous conditions are violated. The decision to suspend this Agreement rests with the FCDA local district regulatory officials and is to be reviewed by the FCDA Crop and Livestock Protection Division.

I/WE HEREBY AGREE TO ABIDE BY THE ABOVE CONDITIONS:

(Signature)

(Date signed)

(Title/Position)

(Name of Applicator)

(License Number)

Agreement No. 10-_____

(Date of Agreement)

The affixing of the signature below will validate this Agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.

(County Official - Print Name)

(Print Title)

(Signature)

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FIGURE 3-2-2: Example of a Commodity Treatment Compliance Agreement for Cotton (back)